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EO 11652: GDS
TAGS: PGOV, MX, US
SUBJECT: AUGUST 11-12 DISCUSSION OF UNDOCUMENTED ALIENS
IN SOCIAL WORKING GROUP

1. AUGUST 11 PLENARY DISCUSSION. FOREIGN SECRETARY ROEL
IN INITIAL BRIEF PRESENTATION AT SOCIAL WORKING GROUP
MEETING CONGRATULATED U.S. ON COMPLETION PANAMA CANAL
NEGOTIATIONS AND SAID UNDOCUMENTED ALIENS QUESTION WAS
"THE PANAMA CANAL QUESTION" FOR MEXICAN-U.S. RELATIONS.

2. U.S. PRESENTATION FOLLOWED LINES OF BRIEFING BOOK,
WITH ASSOCIATE ATTORNEY GENERAL MICHAEL EGAN MAKING
INTRODUCTORY REMARKS, FOLLOWED BY LABOR, CHARLES KNAPP,
PRESENTATION ON EMPLOYER SANCTIONS AND H-2 PROGRAM;
DORIS MEISSNER DISCUSSION OF ADJUSTMENT OF STATUS;
LEONEL CASTILLO PRESENTATION ON ENFORCEMENT ASPECTS, AND
DAVID SIMCOX DISCUSSION OF FOREIGN POLICY ASPECTS INCLUD-
ING ECONOMIC ASSISTANCE AS ENVISIONED IN PRESIDENT'S
PROGRAM.

3. EXPRESSING THANKS FOR U.S. PRESENTATION, UNDER-SECRETARY
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FOREIGN RELATIONS ROSENZWEIG-DIAZ SAID U.S. MEASURES WILL
HAVE SERIOUS ECONOMIC, SOCIAL AND POLITICAL EFFECTS IN
MEXICO AND DESCRIBED UNDOCUMENTEDS AS BIGGEST PROBLEM IN
U.S.-MEXICAN RELATIONS. HE POINTED OUT POLICE MEASURES
ON FRONTIER WERE NOT GOING TO SOLVE PROBLEM, SPOKE OF
EFFECTS ON MEXICO "IF FRONTIER WERE CLOSED", AND SAID H-2
VISA PROGRAM AND ECONOMIC PROVISIONS WERE THE TWO POSITIVE

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ASPECTS OF PROGRAM FROM MEXICAN POINT OF VIEW, BUT THEY
APPEARED TO HIM TO BE OF LESSER IMPORTANCE IN PROGRAM.

4. MARCOS MANUEL SUAREZ, EXECUTIVE OFFICER IN SECRETARIAT
OF LABOR, CARRIED OUT BULK OF MEXICAN PRESENTATION, TAKING
HARD AND CRITICAL LINE. HE SAID END PRODUCT OF U.S. EF-
FORTS WAS NOT SATISFACTORY TO MEXICO AND WOULD CREATE
NEW PROBLEMS OR AGGRAVATE OLD ONES. C0NTINUOUS-RESIDENCE
PROVISIONS OF PERMANENT RESIDENT ALIEN PART OF PROGRAM
WOULD COVER ONLY SMALL PERCENTAGE OF MEXICAN UNDOCUMENTEDS
IN U.S.--HE USED THREE-PERCENT FIGURE. SUAREZ SAID BULK
OF UNDOCUMENTEDS WERE MIGRATORY, GOING TO U.S. FOR OPPOR-
TUNITY TO WORK IN AGRICULTURAL CROP-SOWING AND HARVESTING
PERIODS, MAY TO SEPTEMBER. HE SAID NUMBERS OF UNDOCU-
MENTEDS GOING TO U.S. WOULD NOW INCREASE "BECAUSE OF
MISNAMED AMNESTY ASPECTS" OF PROGRAM.

5. TURNING TO SANCTIONS AGAINST EMPLOYERS, SUAREZ SAID THAT
IMPLICIT IN U.S. MEASURES WAS THESIS THAT MEXICAN WORKERS
REPLACED AMERICAN LABORERS IN POSITIONS THEY WOULD OTHER-
WISE TAKE, WHICH HE DENIED WAS THE CASE. THERE WAS A GEN-
ERAL NEED FOR MEXICAN WORKERS IN U.S., AS SHOWN IN PART BY
THE EXISTENCE OF AN H-2 PROGRAM. HE EXPRESSED FEAR THAT,
REGARDLESS OF U.S. ATTEMPTS TO PUT RESPONSIBILITY WITH
REGARD TO HIRING ON U.S. EMPLOYERS, MEXICAN WORKERS WOULD
BE FACED WITH RESPONSIBILITY FOR ESTABLISHING THEIR ELI-
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GIBILITY, WHICH COULD RESULT IN GREATER DISCRIMINATION AND
CONTINUING MARGINALITY FOR THEM IN U.S.

6. SUAREZ SAID THAT ANNUAL QUOTA FOR ANY TEMPORARY WORKERS
PROGRAM SHOULD BE FIXED BY CONSULTATION BETWEEN MEXICAN
AND U.S. AND NOT DECIDED OR TERMINATED UNILATERALLY BY
U.S. FIGURES REGARDING TOTAL NUMBER OF UNDOCUMENTEDS WERE
NOT TRUSTWORTHY AND NOT ACCEPTABLE TO MEXICO. HE SAID
PROGRAM IMPLIED THAT MEXICO WAS ONLY SOURCE OF UNDOCUMENTED
WORKERS, AND THAT THIS CONSTITUTED DISCRIMINATORY POLICY
TOWARD MEXICO, ARGUING THAT THERE WAS NO INCREASED ENFORCE-
MENT PROGRAM ON NORTHERN FRONTIER OF U.S. ENFORCEMENT
WOULD MEAN MORE INTENSIVE DEPORTATION OF MEXICAN WORKERS
ALTHOUGH PERHAPS IT COULD NOT BE DESCRIBED AS MASSIVE,
STATING IT WOULD CONSTITUTE VIOLATION OF SOCIAL AND HUMAN
RIGHTS OF MEXICANS AND WOULD ALSO AFFECT TOURIST FLOW
BETWEEN COUNTRIES. SUAREZ ALSO NOTED THAT MEXICO HAD THE
REQUIREMENT TO VERIFY THE MEXICAN CITIZENSHIP OF ALL PER-
SONS WHOM THE U.S. WOULD DEPORT TO MEXICO.

7. REGARDING ECONOMIC DEVELOPMENT IN SOURCE COUNTRIES, HE
FORESAW LITTLE EFFECT IN SHORT TERM, ALTHOUGH IN LONG TERM

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SOURCE COUNTRIES COULD OVERCOME THEIR ECONOMIC DEFICIENCIES AND PROVIDE JOBS AT HOME FOR THEIR WORKERS. SHORT-TERM MASSIVE RETURN OF WORKERS WAS THE EFFECT OF THE CARTER PROPOSAL THAT MOST TROUBLED MEXICO, AND IT COULD PRODUCE SERIOUS CONSEQUENCES IN THE POLITICAL, ECONOMIC AND SOCIAL ASPECTS OF MEXICAN LIFE. SUAREZ REFERRED TO FACT THAT MEXICO WAS MAKING COSTLY EFFORTS TO COOPERATE WITH U.S. IN NARCOTICS SUPPRESSION, AND MENTIONED THAT MEXICO WAS FOURTH LARGEST TRADING PARTNER OF U.S., EXPRESSING HOPE THAT MEXICAN EXPORTS TO THE U.S. COULD INCREASE AND PRODUCE EVENTUAL EQUALITY BETWEEN THE TWO COUNTRIES. ANY ACTION ADVERSELY AFFECTING THE MEXICAN ECONOMY WOULD DISRUPT THE HARMONY BETWEEN MEXICO AND THE U.S.
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8. REFERRING TO SPECIFIC ASPECTS OF U.S. PRESENTATION, SUAREZ EXPRESSED HIS OBJECTIONS TO PUBLIC ASSERTION MADE BY "HIGH-LEVEL U.S. OFFICIAL" THAT MEXICO UNDERSTOOD AND ACCEPTED THE CARTER PROGRAM (LATER IDENTIFIED AS LEGAL ADVISER HANSELL STATEMENT IN AUGUST 4 PRESS CONFERENCE TO THE EFFECT THAT GOM "UNDERSTOOD AND ACCEPTED" THE PROGRAM). SUAREZ ALSO SPOKE DISPARAGINGLY OF U.S. RELIANCE ON POLICE

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METHODS. HE SAID GOM WOULD EXPRESS ITS OBJECTIONS IN WASHINGTON TO U.S. TERMINOLOGY IDENTIFYING SMUGGLING OF HUMAN BEINGS ALONG WITH GOODS, AND ASKED THAT IN FUTURE U.S. NOT USE TERM "SMUGGLING" FOR PERSONS, WHEN HE FELT TERM SHOULD BE APPLIED ONLY TO CONTRABAND IN GOODS.

9. SUAREZ CRITICIZED ELEMENTS OF PROGRAM THAT PROVIDED NON-DEPORTABLE STATUS FOR UNDOCUMENTEDS WHO ENTERED U.S. BEFORE JANUARY 1, 1977, STATING THAT IF, AS MEXICO HELD, LARGE NUMBERS OF UNDOCUMENTEDS ENTERED U.S. FOR AGRICULTURAL WORK DURING SOWING AND HARVESTING PERIODS, HE WAS CONFUSED ABOUT THE NON-DEPORTABLE STATUS FOR WORKERS WHO HAD GONE TO U.S ONE, THREE OR TEN TIMES INCLUDING MOST RECENTLY IN 1977. WOULD SUCH A WORKER HAVE RIGHTS UNDER THE NON-DEPORTABLE ALIEN STATUS? HOW WOULD
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LAWYERS AND LEGISLATORS TYPIFY THE OFFENSE SUCH A MIGRATORY WORKER COMMITTED? HE EXPRESSED DOUBT ANY MIGRATORY WORKER COULD PROVIDE EVIDENTIARY PROOF OF RESIDENCE SUCH AS SOCIAL SECURITY CARD, RENT RECEIPTS OR BANK ACCOUNTS.

10. REFERRING TO SIMCOX STATEMENT ON ECONOMIC ASPECTS OF PROGRAM, SUAREZ SAID HE HOPED DEPARTMENT'S POSITIVE EMPHASIS WOULD PREVAIL IN EXECUTIVE BRANCH, CONGRESS, AND IN PUBLIC OPINION. HE EXPRESSED HOPE U.S. POLICY COULD BE BASED ON FACTS RATHER THAN UNSUPPORTED SUSPICIONS AND ON POLITICAL POSITIONS DESIGNED TO INCREASE PERSONAL POPULARITY, STATING THAT IF PROGRAM COULD BE BASED ON THE DEVELOPMENT OF MEXICO, THEN THE AMERICAN GOVERNMENT COULD HELP MEXICO TO EMPLOY ALL ITS PEOPLE IN ITS OWN COUNTRY AND SOLVE THE BASIC PROBLEM. MR. EGAN EXPRESSED THANKS FOR SUAREZ' FRANK STATEMENTS, AND IT WAS AGREED DISCUSSION WOULD CONTINUE IN SMALLER WORKING GROUP AUGUST 12.

11. AFTER RECEIVING A REPORT FROM FONSEC DIRECTOR-IN-CHIEF OF BILATERAL POLITICAL AFFAIRS AMB. MANUEL BARTLETT WITH RESPECT TO THE WORK OF THE SOCIAL WORKING GROUP, FONSEC ROEL (WHO HAD NOT ATTENDED MEETING) TOLD COUNSELOR NIMETZ THAT SUAREZ' PRESENTATION DESCRIBED ABOVE DID NOT FULLY REFLECT GOM POLICY. "ONLY THE PRESIDENT AND I MAKE FOREIGN POLICY", ROEL SAID, AND REFERRED DISPARAGINGLY TO OTHER DEPARTMENTS THAT ARE JEALOUS OF THE FOREIGN SECRETARIAT. ROEL EMPHASIZED THAT THE ALIEN PROBLEM IS A SERIOUS ONE (IT IS FOR MEXICO, HE REPEATED, LIKE THE PANAMA CANAL) BUT WANTED TO APPROACH IT COOPERATIVELY, NOT ANTAGONISTICALLY. ROEL DID NOT REFER TO ANY SUBSTANTIVE DISAGREEMENTS WITH SUAREZ' REMARKS BUT APPEARED CONCERNED ABOUT THEIR HOSTILE TONE. BARTLETT LATER SAID

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PRIVATELY THAT THE GENERAL CONSENSUS WAS THAT SUAREZ HAD GONE TOO FAR. COUNSELOR NIMETZ REPLIED TO ROEL THAT THE U.S. DELEGATION APPRECIATED A FRANK DISCUSSION AND DID NOT FIND SUAREZ' PRESENTATION OFFENSIVE. WE QUITE UNDERSTOOD THAT THE FOREIGN SECRETARIAT HAD PRIMARY RESPONSIBILITY IN THIS AREA. COMMENT: WE CANNOT DISMISS POSSIBILITY THAT SUAREZ' TOUGH LINE AND ROEL'S PARTIAL DISAVOWAL OF IT CONSTITUTE AN ORCHESTRATED APPROACH, A KIND OF "GOOD COP, BAD COP" TACTIC. IT SHOULD BE NOTED THAT THE SUBSTANCE OF SUAREZ' ANALYSIS WAS NOT DISAVOWED BY ROEL. END COMMENT.

12. AUGUST 12 SUB-GROUP. IN SUB-GROUP MEETING, THERE WAS FAR-RANGING DISCUSSION OF ADDITIONAL ASPECTS OF UNDOCUMENTED PROBLEMS, WITH SUAREZ AND BARTLETT SPEAKING FOR GOM. IN ANSWER TO EGAN QUESTION AS TO WHETHER FORMAL MECHANISM SHOULD BE ESTABLISHED FOR MEXICAN COMMENT AND INPUT INTO IMPLEMENTATION OF UNDOCUMENTED PROGRAM, SUAREZ, WHO IN SUB-GROUP MEETING TOOK LESS AGGRESSIVE POSITION THAN IN YESTERDAY'S PLENARY, INDICATED AFTER SOME RAMBLING THAT MEXICO THOUGHT CONTINUING COMMUNICATION ON UNDOCUMENTEDS SHOULD BE HANDLED THROUGH SOCIAL WORKING GROUP, WHICH HE DESCRIBED AS "WONDERFUL" MECHANISM SET UP BY PRESIDENTS. IN SHORT HE NEATLY DUCKED THE QUESTION AND CONVEYED IMPRESSION MEXICO WOULD NOT PARTICIPATE IN IMPLEMENTATION.

13. DURING SUB-GROUP DISCUSSION EGAN STATED THAT ROSENZWEIG DIAZ FEAR ABOUT "CLOSING THE BORDER" AND GOM STATEMENT OF FEARS OF MASSIVE DEPORTATION WERE NOT WELL FOUNDED. KNAPP STATED ONE U.S. PURPOSE OF NON-DEPORTABLE ALIEN PROGRAM WAS TO PLACE THESE ALIENS UNDER PROTECTION OF U.S. LABOR LAWS, AND DISCUSSED DEPARTMENT OF LABOR'S WILLINGNESS TO CONSIDER NATURAL EXPANSION OF H-2 PROGRAM IF IT COULD BE ESTABLISHED THAT WORKERS WERE NEEDED AND LEGAL LABOR FORCE IN U.S. NOT AVAILABLE, AND IF ACTION BY CONGRESS ON

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PROGRAM EVENTUALLY AUTHORIZED OR ALLOWED SUCH EXPANSION. CASTILLO DISCUSSED HOW "CONTINUOUS" MIGHT BE DEFINED IN INS REGULATIONS IN FUTURE, POINTING OUT, HOWEVER, THAT TERM WOULD HAVE TO BE REDEFINED TO TAKE ACCOUNT OF CONGRESSIONAL ACTION ON PROGRAM.

14. MEXICAN EMPHASIS FROM BOTH BARTLETT AND SUAREZ WAS THAT U.S. HAD NOT ADEQUATELY DEFINED NATURE OF PROBLEM, BUT WAS NONETHELESS PROCEEDING WITH EFFORTS TO SOLVE IT. THEY BOTH SAID U.S. PROGRAM SEEMED TO BE BASED ON FACT MEXICAN LABORERS INTENDED TO REMAIN IN U.S., WHILE MEXICAN VIEW WAS LABOR FLOW WAS OF COME-AND-GO NATURE. SUAREZ EMPHASIZED THAT U.S. PROGRAM WAS ALSO BASED ON DISTORTED AND INCOMPLETE ANALYSIS OF PROBLEM AND ON IRRATIONAL FEARS, AND ASKED WHETHER PROPOSED SOLUTIONS WOULD WORK. HE EMPHASIZED IMPRESSION IN MEXICO THAT PRESIDENT'S PROGRAM WAS DIRECTED AGAINST MEXICO, AND PREDICTED THAT LEVEL OF ANXIETY IN THE U.S. OVER UNDOCUMENTEDS WOULD LOWER IN TIME AS U.S. ECONOMY IMPROVED AND UNEMPLOYMENT LESSENED. SUAREZ URGED THAT BOTH SIDES BE PRUDENT IN INFORMATION GIVEN TO PRESS AND PUBLIC ABOUT THE UNDOCUMENTED PROBLEM, STATING THAT GOM WAS RESISTING EFFORTS BY MEDIA TO GET IT TO MAKE STATEMENTS. HE PLEADED FOR EFFORTS "TO TRY
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TO UNDERSTAND REALITY" AND FOR U.S. ECONOMIC HELP IN CREATING JOBS FOR MEXICANS IN MEXICO. AS HIS LAST STATEMENT, SUAREZ SAID THAT IF U.S. LEGISLATION AND REGULATIONS TO DEFINE THE PRESIDENT'S PROGRAM TOOK A LONG TIME TO ENACT AND WRITE, "SO MUCH THE BETTER." LUCEY

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